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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,614	12/05/2001	Hiroshi Kutsumi	MTS-3278US	2492

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EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,614

Applicant(s)

KUTSUMI ET AL.

Examiner

Frantz Coby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5,7-11,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 2-5,8,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10 and 11.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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This is in response to applicant's response to a restriction requirement filed on April 20, 2004 in which claims 2-5, 7-11 and 30-31 were elected without traverse.

Response to Argument

Applicant's arguments filed on December 29, 2003 have been fully considered but they are not persuasive. Therefore, the rejection with respect to claims 2-5, 8 and 10-11 under sections 102 and 103 mailed on September 26, 2003 (paper # 9) remains.

Information Disclosure Statement

The information disclosure statement filed May 19, 2003 and May 28, 2003 are in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, but the information referred to therein has been considered as to the merits.

Specification

The abstract of the disclosure is objected to because it is consisted of a single sentence. Correction is required. See MPEP § 608.01(b).

The rejection follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 8, are rejected under 35 U.S.C. 102(e) as being anticipated by Sakurai U.S. Patent no. 6,130,962.

As per claim 2, Sakurai discloses "an information input means" (See Sakurai Figure 1, component 101); "a database" (See Sakurai Figure 1, component 103); "a search means" as a control unit which searches the mark database (See Sakurai Figure 1, component 2602; Abstract; Col. 2, lines 2-7); "an information display means" (See Sakurai Figure 1, component 104); "a selection means" See Sakurai Col. 13, lines 16-19); "an output means" as a display unit (See Sakurai Figure 1, component 104). In addition Sakurai discloses "an information input means"; "information display means"; "a selection means" and "an output means" integrally provided in the terminal device of figure 1 of Sakurai. Further, Sakurai discloses the database and search means integrally provided in the management device of Sakurai (See figure 1, components 103 and 2603).

As per claim 8, Sakurai discloses "an information input means" (See Sakurai Figure 1, component 101); "a database" (See Sakurai Figure 1, component 103); "a search means" as a control unit which searches the mark database (See Sakurai Figure

1, component 2602; Abstract; Col. 2, lines 2-7); "an information display means" (See Sakurai Figure 1, component 104); "a selection means" See Sakurai Col. 13, lines 16-19); "an output means" as a display unit (See Sakurai Figure 1, component 104).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai U.S. Patent no. 6,130,962.

As per claim 3-5, most of the limitations of these claims have been noted in the rejection of claim 2. Applicant's attention is directed to the rejection of claim 2 above. In addition Sakurai discloses freely attachable and detachable recording medium as a computer readable medium (See Sakurai Col. 7, lines 18-20).

It is noted that Sakurai did not specifically detail the aspect of reading out contents stored in the recording medium when the recording medium is loaded or mounted in the supply device. However, one of ordinary skill in the art at the time of the invention would have found it obvious to store contents in a recording medium and load it to be read in the computer of Sakurai because that would have allowed useful and important information to be added or stored in the supply device of Sakurai.

As per claims 10-11, all the limitations of these claims have been noted in the rejection of claims 3-5. They are therefore rejected as set forth above.

Remarks

As elected by Applicant, claims 2-5, 7-11 and 30-31 are being examined. It is noted that the nonelected claims are not canceled. The Applicant is invited to cancel the nonelected claims.

Allowable Subject Matter

Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 30-31 are allowable over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record failed to provide **a methodology for searching a database for an e-mail preparation including steps of providing attributions that represent a human feeling, impression or sensibility; wherein an attribution value represents a degree of the human feeling, impression or sensibility.** These claimed features being present in independent claim 30 and dependent claims 4 and 9 render claims 30-31 allowable over the prior art of record. Also, these claimed features

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would make independent claims 2 and 8 allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 703 305-4006. The examiner can normally be reached on Maxi-Flex (Monday-Saturday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantz Coby
Primary Examiner
Art Unit 2171

July 7, 2004